

POTTER GROUP

MOVING INNOVATION FORWARDSM

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INTRODUCTION

As Co-Chair of Committee R, and an active participant in the technology operations of large and small firms, and large and small clients, I take great pleasure in introducing this IBA session. We should be particularly appreciative of Peter Turner and Wendy London for the vision that has developed and organized this session, and to those experts that appear before us to discuss the reengineering of our clients' law departments.

Over the past several years, we have been almost mesmerized over the breadth of computer and communications (which I will call "telecomputer") technologies and products selections available to the practicing attorney. Our profession, with its financial resources and growing needs, has also been the beneficiary of an incredible wealth of information available through an ever-widening choice of resources on both private systems and through the massive communication system known as the Internet.

The IBA is and will continue to be a source of programs designed to continue to move our profession forward in technological ways. Groups within the IBA have studied many of the technologies, and will continue to do so. We encourage all of you to provide us with in-put for this worthwhile endeavor, including participating in studies and polls designed to determine what you want and whether, of course, you will pay for it.

The speeches and articles in this session provide a unique opportunity for all of us to learn about these resources. The speakers are in the vanguard of those who connect you, the members of the profession, with what is fast-becoming an essential part of any attorney's practice. Technology will be a matter of survival for private attorneys and law firms as they enter the Twenty-First Century. And the speakers gathered will discuss these points with great insights gained during their professional implementation of these tasks.

When I entered the practice, one could see technology in its very infancy. We cut and pasted paper photocopied by machines that had only recently entered the law office. Only a few years before, in files still active, I saw carbon copies and paper copied on stencil machines. What an innovation it was, the photocopier!

At my first "PC" computer show (which included the Z80 chip running CP/M, so it was not only PCs), in 1980 or so in Chicago, I bought a Compaq. It had two 360k drives, internal memory of maybe 16k or so, and was a whiz with Word Perfect 2.1 or so. What an event, bringing this thirty-four pound "portable" computer home!

During that show we saw the beginning of technologies just making themselves successfully into the workplace today. Voice recognition from Texas Instruments, scheduling and other software technologies and new hardware, including smaller hard drives. The Fortune

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computer being displayed actually had a 64 bit path, something we still dream about for computing. It was a rocket, but there was little doubt in my mind that IBM would win. So the Compaq.

What has this process led us to, and where are we going? In the few minutes that remain, I will turn my attention to these issues. In reviewing this present and future, I would like to make three postulates, and state one fact.

The fact is that all of us must adapt and adopt ourselves to the changing technical environments in which we find ourselves. It is a competitive necessity.

The postulates are: (1) the paradigm shifts that occur in telecomputer technologies will continue, feeling their way between distributed and centralized processing and data; (2) these and other technological forces are gradually affecting each of your practice areas in ways we still try to imagine; and (3) those in technologically less advanced economies, and in smaller organizations, have and will leapfrog over those of us in currently more advanced economies and larger organizations.

Distributed and Centralized Systems

The major systems now available bring the computer, all its parts, and almost any type and amount of data to our desktops. We now have automatic configuration of components and an almost rock-stable environments through OS2, Win95 and other operating systems. Netscape Server, and the likely future of many of you, NT 4.0 (which includes intranet and internet components), are in everyone's future.

While on the desktop, we have information and systems unlike what most of us could have imagined, the technologies are also rapidly putting data back into the server. This has resulted in the interesting tension between distributed and centralized technologies. As security, expense and the speed of technological change move us again toward a centralized system, the next issues to be resolved are systems coordination, and the legal impact this has on the corporation.

Some of the technologies that will permit this to take place are voice recognition and text to voice translation languages and protocols. IBM is here to demonstrate one of these technologies, which can be used for many purposes. Eventually, these systems should be used on centralized systems, where a wide variety of files can be made available, including dictated and typed formats for translations in different ways. Want to take some of the words from the CEO's last speech for a paper you are delivering, call up the voice file and switch it to text. Want to send a voice message to someone who cannot see: send it through text to voice translation.

As these centralized systems grow, the value of the information, and their accessibility increase. And this means that more needs to be devoted to their protection.

Technology and Legal Practice Change

To accomplish this protection, more clients are requesting guidelines for the use of computer and software resources. This is a practical approach that is required by today's technologies.

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Large companies have been found with unauthorized copies of software on their networks, resulting in “lay down” easy cases for the software owners. Discovery can be conducted through the computer, with little ability to sanitize these assets prior to confronting a legal problem unless they are more carefully controlled. These and other requirements have impelled in-house counsel to turn more and more to the legal aspects of computer technologies, and to consider and impose restrictions on computer, system and outside use of these technologies.

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Less Advanced to More Advanced

Many Westerners believe that the absence of meaningful technological infrastructure will deprive most Pacific Rim countries from any meaningful advancement for a very long time. However, some *advantages* actually come from having far more undeveloped infrastructure than Western countries.

The absence of investment in middle technology, a term I use for the 286 through 486 computers, 16 bit software, and wired telecommunications that still predominate many of our corporations and firms, means that more modern technologies can be more easily deployed. In India, for example, the National Informatics Centre (“NIC”), an Indian organization acting for the government and private sectors, uses state-of-the-art satellite telecommunications and computerization to provide its participants with worldwide e-mail and other assistance. NICNET, a NIC service operating in India for six years, provides its customers/participants with file transfer, electronic mail, remote database access, data broadcast and EDI. A large number of users including banks, financial institutions, exporters, ports and custom houses have and/or will use NICNET’s EDI services. NIC has also initiated a number of multimedia development projects to develop hardware and software tools to integrate video and audio into the PC platform.

Similar systems are coming or in place elsewhere in the Pacific Rim, including Thailand and Vietnam, so that the congested and inadequate public communications systems are avoided altogether, and immediate and more detailed communications than through fax and telephone that are still predominant in the West.

High technology is moving into Asia without fear of reproduction for another reason. It is impossible to reproduce quickly, easily or at all. For example, IMAX produces films in addition to developing the technology for giant-sized theaters. It is moving into China with plans to introduce its motion-simulator rides there next year, and has signed licensing agreements with Malaysian and Taiwanese licensees to open several IMAX three-dimensional theaters in those countries in the next eighteen months.

These and other factors make it likely that a different approach to leading technologies and processes may begin to find their way into Western systems. The impact on the legal framework of these systems is currently unknown. However, some systems are already exerting greater influence than the United States, including the EU in many ways, and this influence is bound to grow. Companies would do well to consider this position and its impact on their own assets given what will clearly be the growing influence of Asia and other parts of the world.

R. Clifford Potter
Co-Chair, Committee R